

May 6, 2025

VIA ECF

Hon. Sidney H. Stein
 United States District Court
 500 Pearl Street
 New York, NY 10007

Re: **Request for a Brief Continuance of the May 22 Status Conference**
In re OpenAI Copyright Infringement Litigation, No. 1:25-md-03143 (S.D.N.Y.)

Dear Judge Stein:

On April 30, 2025, in Case Management Order No. 1, this Court set an initial case management conference in this multidistrict litigation for Thursday, May 22 at 10:00 a.m. Dkt. 14 at 1. The Court further ordered that “[e]ach party represented by counsel shall appear at the initial case management conference *through the attorney who will have primary responsibility* for that party’s interest in this litigation.” *Id.* (emphasis added).

OpenAI writes to respectfully request a very brief continuance of the May 22 conference to a day between May 27 and June 6, 2025, or to a day thereafter at the Court’s convenience. Robert A. Van Nest, OpenAI’s lead trial counsel and the attorney who will have the primary responsibility for OpenAI’s interest in this litigation, is unavailable the week of May 19 (including on the May 22 date currently scheduled) due to previously-scheduled international travel. This is OpenAI’s first request for an adjournment in this multidistrict litigation. Microsoft does not oppose this request.

Counsel for Plaintiffs oppose this request. *See* Exhibit A. In opposing, Plaintiffs essentially insist that their lead attorneys must be present for the initial conference, but that OpenAI’s lead counsel need not be.¹ And contrary to Plaintiffs’ statements otherwise, OpenAI has initiated and engaged in multiple meet-and-confers regarding discovery issues since the JPML’s April 3 transfer order.

OpenAI looks forward to discussing the issues identified in the Court’s case management order at the initial conference, and respectfully requests that the Court grant its request for a brief continuance.

Sincerely,

KEKER, VAN NEST &
 PETERS LLP

LATHAM & WATKINS LLP

MORRISON & FOERSTER
 LLP

/s/ Robert A. Van Nest
 Robert A. Van Nest
 Counsel for OpenAI Defendants

/s/ Herman Yue
 Herman Yue

/s/ Joseph C. Gratz
 Joseph C. Gratz

¹ OpenAI asked Plaintiffs to investigate their availability from May 27–June 6, 2025. In their response, Plaintiffs have failed to specify which attorneys they anticipate taking on the role of “leadership counsel” for the MDL, Dkt. 14 at 2, are unavailable during that time.